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Notice of Allowability

Application No.

10/752,130

Examiner

Derek L. Dupuis

Applicant(s)

VANCOILL ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/11/2005.
2. ☒ The allowed claim(s) is/are 1-7,9-13 and 15-22.
3. ☒ The drawings filed on 11 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Herbert R. Schulze (Reg No 30,682) on 6/24/2005.

The application has been amended as follows:

In line 17 of claim 15, insert the word --further-- in between the word "method" and the word "comprising:".

Response to Arguments

2. Applicant's arguments, see pages 1 and 2, filed 4/11/2005, with respect to the objection to the specification have been fully considered and are persuasive. The objection to the specification has been withdrawn.

3. Applicant's arguments, see pages 10 and 11, in combination with the amendment to the claims filed 4/11/2005, with respect to the rejections of claims 1-4 and 15 under 35 U.S.C. 102a and of claims 1-13 and 15-20 under 35 U.S.C. 103 have been fully considered and are persuasive. The rejection of claims 1-4 and 15 under 35 U.S.C. 102a and of claims 1-13 and 15-20 has been withdrawn. As amended, the claims include features that the prior art does not disclose nor render obvious. Neither the Si et al nor the Ma et al reference disclose or render obvious a TIR surface.

Drawings

4. The drawings were received on 4/11/2005. These drawings are accepted by the examiner.

Allowable Subject Matter

5. Claims 1-7, 9-13, and 15-22 are allowed.
6. The following is an examiner's statement of reasons for allowance:
7. Claims 1-7, 9-13, and 15-22 are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a monolithic optical coupling module comprising a first surface portion and a second surface portion wherein the first and second surface portions define a gap in the module, a TIR turn interface portion that turns a light beam towards the gap, a third surface portion and a fourth surface portion through which light respectively exits and enters the module, wherein at least one of the first, second, third, fourth, or TIR surface portions comprises an integrally-formed light beam attenuator that attenuates a light beam propagating therethrough to provide an attenuated light beam in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Vancoille et al (US 6,888,988 B2)* discloses the claimed invention. However, this

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patent is commonly owned by the assignee of the application and the inventive entity is the same. Furthermore, the reference was not published more than 1 year before the filing date of the application. Therefore, it is inadmissible as prior art under 35 U.S.C. 102 or 103. The claims of the reference do not read upon the claims of the application and therefore there is not an issue of double patenting. *Plummer (US 5,028,110)* teaches an optical coupling module with many of the limitations of claims 1, 12, and 15. However, Plummer does not teach an integrally formed attenuator formed on one of the surfaces. Furthermore, Plummer does not teach that a first and second surface define a gap or that the TIR surface directs a light signal to pass towards the gap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L. Dupuis whose telephone number is (571) 272-3101.

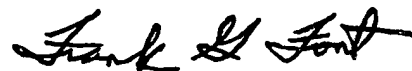
The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Derek L. Dupuis



Frank G. Font
Supervisory Patent Examiner
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